

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**FRIDAY, DECEMBER 21, 2012
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson
Members:**

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

Summary Suspension Hearing

8:30 AM

Case # 12-251-00383

Umana's Inc., t/a Gloria's Restaurant & Carry Out

3411 14th Street NW

License #70623

Retailer DR

ANC 1A

Chief of Police Closure December 15, 2012

Disposition: The Board lifted the suspension and adopted the conditions set forth in Board Order No. 2012-536, 3-0.

***This matter constitutes an emergency under the Open Meetings Act. The notice requirements of Section 406(4) were satisfied.**

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Gloria's Restaurant, LLC
t/a Gloria's Restaurant and Carryout

Holder of a Retailer's
Class DR License

at premises
3411 14th Street, N.W.
Washington, D.C. 20001

Case No. 12-251-00383
License No. ABRA-070623
Order No. 2012-536

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Mike Silverstein, Member

ALSO PRESENT: Gloria Umana, on behalf of the Respondent

Michael Fonseca, Esq. on behalf of the Respondent

Amy Schmidt, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER LIFTING SUMMARY SUSPENSION

On December 19, 2012, the Alcoholic Beverage Regulation Administration (ABRA) served a Notice of Summary Suspension (Notice), dated December 18, 2012, on Gloria's Restaurant, LLC, t/a Gloria's Restaurant and Carry Out (Respondent), located at premises 3411 14th Street, N.W., Washington, D.C.

Pursuant to the Notice, the Alcoholic Beverage Control Board (Board) ordered the suspension of the Respondent's license in accordance with D.C. Official Code § 25-826 (2008) and § 25-827(a) (2005). The suspension was based upon an investigation conducted by ABRA investigators, where the Board found that the operations of the establishment presented an imminent danger to the health and safety of the public.

Additionally, the Board's suspension of the Respondent's license was based upon the written request of the Chief of Police Cathy L. Lanier, Metropolitan Police Department (MPD), dated December 15, 2012, pursuant to D.C. Official Code § 25-827(a), which included a determination made by Chief Lanier that the establishment presented an

imminent danger to the health and safety of residents and visitors in the District of Columbia.

On December 20, 2012, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c). The Board held a Summary Suspension Hearing on December 21, 2012.

At the Summary Suspension Hearing, the Government and the Respondent agreed to the following conditions which must be addressed to the Board's satisfactions. Some of these conditions must be met prior to the Board's agreement to lift the suspension. Other conditions will be met through the submission of supplemental documentation to the Board providing further detail of the measures outlined below for the Board to evaluate their efficacy.

I. Prior to the Board's lifting of the suspension of the license, the Respondent shall meet the following conditions:

1. The licensee shall familiarize its employees with the establishment's security procedures, to include
 - a. operating the camera system (e.g., viewing and recording information);
 - b. checking ID's;
 - c. procedures for contacting the Metropolitan Police Department (MPD); and
 - d. procedures for preserving a known crime scene; and
2. The licensee shall submit a security plan that complies with the requirements of D.C. Official Code § 25-402. The security plan shall mandate that the system store security footage for at least 15 days.

II. Additionally, within forty-five (45) days from the date of this Order, the Respondent shall meet the following conditions:

1. The owner and all servers shall complete alcohol awareness training unless they are currently certified; and
2. The security plan shall be translated into Spanish.

III. Additionally, the licensee is required to meet the following conditions while operating the establishment:

1. The establishment shall maintain an incident log. The incident log shall be used to report (1) any incidents that may have occurred during the shift; and (2) instances where MPD was contacted. A designated employee or owner on duty shall be required to sign the book after each shift, even if no incidents occurred or no calls to MPD were made. This will permit management to review the activities of the evening and address any issues that arise; and
2. Security footage shall be provided to ABRA and MPD within forty eight (48) hours of being requested. The Respondent shall be responsible for having someone available to download the establishment's security footage.

A continued Summary Suspension Status Hearing shall be set within forty five (45) days. The Respondent shall submit proof that it has complied with this Order's training requirements and submit a version of the security plan in Spanish by January 15, 2013. If these requirements are not completed by January 15, 2013, the Respondent shall notify the Board of the date intends to complete these requirements in compliance with this Order. This matter will be referred to the Office of the Attorney General (OAG) for Show Cause Hearing.

ORDER

The Board does hereby, this 21st day of December, 2012, **ORDER** that the Summary Suspension imposed the Retailer's Class DR License, held by Gloria's Restaurant, LLC, t/a Gloria's Restaurant and Carry Out, located at premises 3411 14th Street N.W., Washington, D.C., be and is hereby **LIFTED**, based on the documents submitted by the Respondent during the Summary Suspension Hearing that comply with the conditions imposed in Part I.

It is further **ORDERED** that the Board will impose the conditions set forth above which are binding on the Respondent.

It is further **ORDERED** that the Respondent shall return to the Board for a Summary Suspension Status Hearing on January 23, 2013, at 9:30 a.m., to determine compliance with the terms of this Order.

It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

A copy of this Order shall be sent to the Respondent and to the Government.

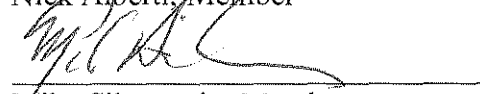
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App Rule 15 (b) (2004).